

the applicant comprises such information such as permissible dates, times, functions, transactions, and remote computer systems allowed to be accessed by the user in addition to the biometric information stored in a data base integral with the biometric passkey. This claim is amended herein to recite that the authorization profile storage includes permissible functions, transactions, and remote computer system allowance for a user of the biometric passkey.

It is unclear in Moriconi, et al. what element is the authorization profile. Column 9, lines 3-5 of Moriconi seems to disclose an "audit log data file" which is the same as the "audit log" disclosed in Col. 4, lines 31-33. Since Moriconi, et al. is unclear on the configuration of a user authorization profile and does not teach the limited permissible functions, transactions, and remote computer system it seems that Moriconi, et al. can not be properly combined with Scott, et al. to make obvious the subject matter of claim 3.

Claim 4 was rejected under 35 U.S.C. 103(a) based on Scott, et al. in view of Marconi et al. and further in view of Der Ghazarian, et al. (U.S. Patent 6,726,636). Der Ghazarian teaches a voice recognition breathalyzer in order to determine if there are alcohol indicators present in the breath of an individual. Claim 4 is not amended herein.

Claim 12, not amended herein, was rejected under 35 U.S.C. 103(a) based on Scott, et al. in view of Bolle, et al. (U.S. Patent 6,819,219). Claim 12 has been previously amended to recite all the limitations of claim 11, now cancelled, and making it clear that a proxy passkey is used in amended claim 12. Bolle, et al. does not recite a teaching of a proxy passkey. It is only the interpretation of the applicant's disclosure that causes the portable reader of Bolle, et al. to be construed as a proxy passkey. If, however, a person of ordinary skill in the art was presented with Bolle, et al., she would not necessarily take the "leap of faith" that the Bolle, et al. portable reader is a proxy passkey as there is no teaching in Bolle, et al. to take her there.

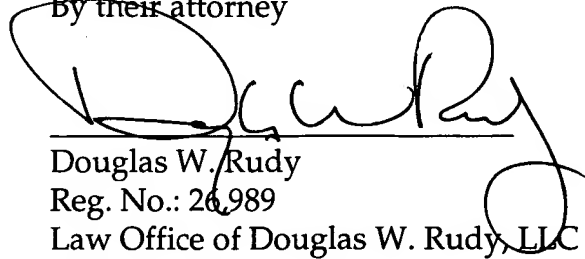
Claim 13 is currently amended to recite that the "authorization profile storage" includes permissible functions, transactions, and remote computer system allowance for a user of the biometric passkey.

It is believed that this application includes claims that are patentable over the art

cited in this application. Thus applicant would appreciate allowance of such claims.

If the Examiner has any questions, please feel free to contact applicants' attorney at 602-741-8963.

Respectfully submitted,
D. J. Kinsella and R. W. Fisk
By their attorney

A handwritten signature in black ink, appearing to read 'Douglas W. Rudy', is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

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